



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,935	09/29/2000	Patrick Hearing	3927-4133US2	1381

7590 02/25/2004  
Morgan & Finnegan  
345 Park Avenue  
New York, NY 10154

EXAMINER

WHITEMAN, BRIAN A

ART UNIT PAPER NUMBER

1635

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Responsive Amendment**

The amendment filed on 2/5/04 is not fully responsive to the prior Non-Compliant Letter mailed on 12/12/03 because: The status of claim 18 (original) is incorrect. Claim 18 was cancelled in paper filed on 6/25/02. The claim should be identified as "cancelled" (without reproducing the text of the claim).

Also, the status of claims 1, 4, 7, 16, 17, and 19 (previously presented) are incorrect. The amendments to the claims filed on 11/24/03 and 8/19/03 were non-compliant amendments and the amended claims were not entered. The claims should be identified as "currently amended" with the markings to indicate the changes that have been made relative to the last entered amendment.

A non-compliant letter was mailed on 10/29/03 for the amendment filed on 8/19/03 and a non-compliant letter was mailed on 12/12/03 for the amendment filed on 11/24/03. Applicant was given a new time period to respond to each letter.

The above-mentioned amendment appears to be a THIRD attempt to reply to the non-compliant letter mailed on 10/29/03 and applicants filed the response on 2/5/04 and paid for an extension of one month.

When filing the amendment to this instant action, applicants are reminded to follow the revised amendment practice 37 CFR 1.121. See 68 Fed. Reg. 38611 (June 30, 2003) or website <http://www.uspto.gov/web/patents/ifw/>.

Art Unit: 1635

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the Office action MAILED ON 12/12/03. A fully responsive reply must be timely filed to avoid abandonment of this application.

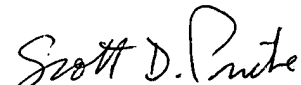
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Whiteman whose telephone number is (571) 272-0764. The examiner can normally be reached on Monday through Friday from 7:00 to 4:00 (Eastern Standard Time), with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader, SPE - Art Unit 1635, can be reached at (571) 272-0760.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Brian Whiteman  
Patent Examiner, Group 1635

  
SCOTT D. PRIEBE, PH.D  
PRIMARY EXAMINER